

Senate File 91 - Introduced

SENATE FILE 91

BY JOCHUM

A BILL FOR

1 An Act relating to an assault that occurs between persons in
2 an intimate relationship and the crime of domestic abuse
3 assault and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.2A, subsection 1, Code 2017, is
2 amended to read as follows:

3 1. For the purposes of *this chapter*, "*domestic abuse*
4 *assault*" means an assault, as defined in *section 708.1*, which
5 is domestic abuse as defined in *section 236.2, subsection 2*,
6 paragraph "*a*", "*b*", "*c*", ~~or~~ "*d*", or "*e*".

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to an assault that occurs between persons
11 in an intimate relationship and the crime of domestic abuse
12 assault.

13 The bill includes an assault, as defined in Code section
14 708.1, that occurs between persons who are in an intimate
15 relationship or who have been in an intimate relationship and
16 who have had contact within the past year of the assault,
17 in the definition of domestic abuse assault pursuant to Code
18 section 708.2A. In determining whether persons are or have
19 been in an intimate relationship, the court may consider the
20 duration of the relationship, the frequency of interaction,
21 whether the relationship has been terminated, and the nature of
22 the relationship, characterized by either party's expectation
23 of sexual or romantic involvement.

24 A person who commits domestic abuse assault commits a simple
25 misdemeanor, a serious misdemeanor, an aggravated misdemeanor,
26 or a class "D" felony depending upon the circumstances
27 involved in the offense. A simple misdemeanor is punishable
28 by confinement for no more than 30 days or a fine of at least
29 \$65 but not more than \$625 or by both; a serious misdemeanor
30 is punishable by confinement for no more than one year and a
31 fine of at least \$315 but not more than \$1,875; an aggravated
32 misdemeanor is punishable by confinement for no more than two
33 years and a fine of at least \$625 but not more than \$6,250; and
34 a class "D" felony is punishable by confinement for no more
35 than five years and a fine of at least \$750 but not more than

1 \$7,500.

2 References to the definition to the term "domestic
3 abuse assault" or Code section 708.2A appear in numerous
4 Code sections including the following: 9E.1 (address
5 confidentiality program purpose), 9E.2 (address confidentiality
6 program definitions), 9E.3 (address confidentiality program),
7 232.22 (juvenile justice — placement of child in detention),
8 236.11 (duties of peace officer in domestic abuse situation),
9 236.12 (arrest in domestic abuse situation), 236.19 (foreign
10 protective orders), 356.50 (county sheriff contracts for
11 private transportation of prisoners), 598.16 (domestic
12 relations conciliation), 598.42 (child custody), 598C.305
13 (deployed parents — grant of caretaking or decision-making
14 authority to nonparent), 600A.8 (grounds for termination of
15 parental rights), 664A.1 (definition of protective order),
16 664A.6 (mandatory arrest for violation of no-contact order),
17 664A.7 (violation of protective order), 702.11 (exclusion from
18 definition of forcible felony), 708.2B (treatment of domestic
19 abuse offenders), 904.320 (department of corrections contracts
20 for private transportation of prisoners), 907.3 (deferred
21 judgment, deferred sentence, or suspended sentence), 911.2B
22 (domestic abuse assault surcharge), and 915.22 (injunction to
23 restrain harassment or intimidation of victims or witnesses).